



of the fact that courts within this circuit, absent extraordinary circumstances, do not appoint lawyers.”); *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993).

In the answer to the § 2254 petition, the Warden asserts that some of Petitioner’s grounds for relief are procedurally barred [Doc. 8 p.2], but, in Petitioner’s reply to the Warden’s answer [Doc. 15], Petitioner relies on “*Martinez* and its progeny” to support his claim of cause, i.e., that ineffective assistance of his post-conviction counsel serves as cause to excuse his procedural default [*Id.* p.6]. Obviously, it is not necessary to appoint counsel to assist Petitioner in his effort to overcome the claimed procedural default, given that he has already asserted cause in his pro se reply.

The Court does not find this to be the exceptional case where a petitioner has a limited ability to present his claims to the court. For these reasons, Petitioner’s motion for appointment of counsel [Doc. 14] is **DENIED** at this time, though this subject will be revisited in the event an evidentiary hearing is scheduled in this case. *See* Rule 8(c), Rules Governing Section 2254 Cases In The United States District Courts.

**SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE